

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In Re:

TIMOTHY H. GENS,

Case No. 17-27144

Debtor.

**KREKELER STROTHER, S.C.'S MOTION FOR WITHDRAWAL
AS ATTORNEYS OF RECORD FOR TIMOTHY H. GENS**

Krekeler Strother, S.C. (“Krekeler Strother”), attorneys of record for Timothy H. Gens, the debtor herein (the “Debtor”), hereby moves the court for an order allowing Krekeler Strother to withdraw as attorneys of record for the Debtor in the above-captioned Chapter 12 Case. In support of this Motion, Krekeler Strother, by the undersigned hereby states as follows below. This Motion is further supported by the Affidavit of Eliza M. Reyes (the “Reyes Affidavit”), filed contemporaneously with this Motion.

JURISDICTION

1. This Court has jurisdiction to hear the Motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

GENERAL BACKGROUND

2. On July 20, 2017 (the “Petition Date”), the Debtor, as a *pro se* debtor, filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code (the “Chapter 13 Case”).

This document was drafted by:
Attorney Eliza M. Reyes
Krekeler Strother, S.C.
2901 W. Beltline Hwy., Suite 301
Madison, WI 53719
P: 608-258-8555
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ereyes@ks-lawfirm.com

3. On July 28, 2017, Chapter 7 Trustee Doris Kaelin filed her Motion for Relief From Stay as to Real and Personal Property in California and corresponding Motion to Shorten Time for a Hearing on Motion for Relief from Stay as to Real and Personal Property in California (collectively, the “Motion for Relief”) (See Docket Entry Nos. 10 and 11, respectively).

4. On or about July 31, 2017, the Debtor retained Krekeler Strother to represent and defend him against the Motion for Relief.

5. Krekeler Strother, by Attorney Eliza M. Reyes (“Attorney Reyes”), filed the Objection to the Motion for Relief on behalf of the Debtor on July 31, 2017 (See Docket Entry No. 17).

6. Attorney Reyes appeared and argued on behalf of the Debtor at the telephonic hearings on the Motion for Relief held by this Court on August 1, 2017 and August 3, 2017.

7. After the hearing on August 3, 2017, this Court granted the Motion for Relief in its entirety (See Unnumbered Entry on the Docket dated August 3, 2017); and this Court subsequently signed and entered the Order Granting Motion for Relief from Automatic Stay on August 4, 2017 (See Docket Entry No. 26).

8. On August 1, 2017, the Debtor filed an Ex Parte Motion to Extend Time to File Completed Schedules.

9. On August 2, 2017, this Court signed and entered the Order Granting Motion to Extend Time to File Schedules extending the Debtor’s time to file a Chapter 13 Plan and incomplete filings on or before August 14, 2017 (See Docket Entry No. 20).

10. On August 14, 2017, the Debtor filed his schedules, Statement of Financial Affairs, Chapter 13 means test, his proposed Chapter 13 Plan, and Disclosure of Compensation of Attorney (See Docket Entry Nos. 29-33).

11. All of the Debtor's filings, most significantly the Disclosure of Compensation of Attorney, indicate that the Debtor is proceeding as a *pro se* Debtor in this Case.

12. Other than an email exchange regarding removal of the Debtor's personal items from real estate located in Palo Alto, California, the Debtor has not otherwise communicated with any associate or employee of Krekeler Strother. *See* Reyes Affidavit, ¶¶ 5, 6, 7, and 8.

13. No associate or employee of Krekeler Strother assisted the Debtor with the preparation and filing of the documents the Debtor filed on August 14, 2017. *See* Reyes Affidavit, ¶ 9.

RELIEF REQUESTED

14. Krekeler Strother seeks entry of an order allowing it to withdraw as attorney of record for the Debtor in this Chapter 13 Case.

15. The Debtor's recent actions in, and with regard to, this Case indicate that the Debtor intends to proceed as a *pro se* Debtor in this case.

16. The Debtor's recent actions in, and with regard to, this Case indicate that Krekeler Strother's withdrawal as attorney of record for the Debtor in this Case can be accomplished without a material adverse effect on the Debtor.

WHEREFORE, Krekeler Strother, S.C. respectfully requests that this Court enter an Order allowing Krekeler Strother, S.C. to withdraw as attorneys of record for Timothy H. Gens in this Chapter 13 Case, and grant such other relief as is just and equitable under the circumstances.

Dated: August 10, 2017.

Krekeler Strother, S.C.

By: 
Eliza M. Reyes, State Bar No. 1030764

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In Re:

TIMOTHY H. GENS,

Case No. 17-27144

Debtor.

**AFFIDAVIT OF ELIZA M. REYES IN SUPPORT OF
MOTION OF KREKELER STROTHER, S.C. FOR WITHDRAWAL
AS ATTORNEYS OF RECORD FOR THE DEBTOR**

STATE OF WISCONSIN)
)
) ss.
COUNTY OF DANE)

Eliza M. Reyes, being first duly sworn on oath, deposes and states as follows:

1. I am an attorney at Krekeler Strother, S.C. (“Krekeler Strother”), attorneys of record for Timothy H. Gens, the debtor in the above-captioned Chapter 13 Case (the “Debtor”).

2. I am submitting and filing this Affidavit in support of Krekeler Strother’s Motion for Withdrawal as Attorneys of Record for the Debtor.

3. On or about July 31, 2017, the Debtor retained Krekeler Strother to represent and defend him against a *Motion for Relief from Stay as to Real and Personal Property in California* filed on July 28, 2017 (the “Motion for Relief”) by Chapter 7 Trustee Doris Kaelin, the panel trustee assigned in the Debtor’s spouse’s Chapter 7 case pending in the Northern District of California, San Jose Division.

4. I filed the *Objection to the Motion for Relief* on behalf of the Debtor on July 31, 2017; and I appeared and argued on behalf of the Debtor at the telephonic hearings on the Motion for Relief held by this Court on August 1, 2017 and August 3, 2017.

5. After this Court rendered its ruling on the Motion for Relief, I and a paralegal in my office sent emails to the Debtor on August 3, 2017, August 4, 2017, August 5, 2017, and August 9, 2017 (the “Emails”). Among other information, the Emails consisted of the following: requesting that the Debtor provide Krekeler Strother with information on his assets and liabilities, including the names and addresses of his creditors and amounts owed to each, and other information needed for his schedules and statements; providing the Debtor with a report on this

Court's findings and decision on the Motion for Relief; providing the Debtor for his review and approval a copy of the proposed order granting the Motion for Relief; providing the Debtor with a copy of the signed and entered Order granting the Motion for Relief; providing the Debtor with a copy of the order granting the Debtor's Motion to Extend Time to File Completed Schedules filed by the Debtor *pro se* on August 1, 2017; discussing arrangements for the Debtor to remove his personal property from the Palo Alto, California real property; providing the Debtor with information on upcoming important deadlines in this Case, including the Debtor's deadline to file his schedules, statements, Chapter 13 Plan, and other required documents; information on the rescheduled 341 Meeting of Creditors in this Case, including the new date, time, and location of the 341 Meeting; and requests for the Debtor contact our offices to discuss his intentions with regard to Krekeler Strother's continued representation.

6. The Debtor only responded to the emails to advise of his approval of the proposed order granting the Motion for Relief and the emails regarding arrangements for his removal of his personal property from the Palo Alto, California real property.

7. On August 14, 2017, upon receiving the Debtor's filings via ecf, I placed a phone call to the Debtor to again request that he contact our offices to discuss his intentions regarding our continued representation of him. The Debtor did not take my call, and I subsequently left the Debtor a voice mail message asking for a call back.

8. The Debtor did not respond, and has not responded, to our requests to contact our offices with regard to our continued representation of him. The Debtor did not return my phone call, or otherwise respond to the voice mail message I left him on August 14, 2017.

9. No associate or employee of Krekeler Strother assisted the Debtor with preparing and filing the schedules, statements, Chapter 13 plan, and other required pleadings which the Debtor filed *pro se* on August 14, 2017.

10. I believe that the Debtor's actions in this case indicate that the Debtor intends to proceed as a *pro se* Debtor in this Case.

11. Just cause exists for Krekeler Strother to be allowed to withdraw as attorneys of record for the Debtor in the Chapter 12 Case pursuant to Wisconsin SCR 20:1.16.

Dated this 18 day of August, 2017.

By:

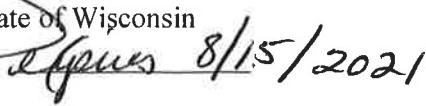

Eliza M. Reyes

Subscribed and sworn to before me

This 18 day of August, 2017.


Notary Public, State of Wisconsin

My Commission:


Expires 8/15/2021

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In Re:

TIMOTHY H. GENS,

Case No. 17-27144

Debtor.

**NOTICE OF KREKELER STROTHER, S.C.'S MOTION
FOR WITHDRAWAL AS ATTORNEYS OF RECORD FOR TIMOTHY H. GENS**

TO: U.S. Bankruptcy Court
US Federal Courthouse - Milwaukee
517 East Wisconsin Ave., Room 126
Milwaukee, WI 53202

Scott Lieske, Chapter 13 Trustee
Office of the Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203

Office of the United States Trustee
Eastern District of Wisconsin
517 East Wisconsin Avenue, Suite 430
Milwaukee, WI 53202

Timothy H. Gens
N 2403 Cisco
Lake Geneva, WI 53147

All other parties in interest.

PLEASE TAKE NOTICE that Krekeler Strother, S.C. ("Krekeler Strother"), listed attorneys of record for Timothy H. Gens, the debtor herein (the "Debtor"), filed its *Motion for Withdrawal as Attorneys of Record for Timothy H. Gens* seeking entry of an order allowing Krekeler Strother to withdraw as attorneys of record for the Debtor in the above-captioned Chapter 13 Case (the "Motion to Withdraw"). Copies of the Motion to Withdraw and the *Affidavit of Eliza M. Reyes in Support of Motion of Krekeler Strother, S.C. for Withdrawal as Attorneys of Record for Timothy H. Gens* are enclosed herewith.

This document was drafted by:
Attorney Eliza M. Reyes
Krekeler Strother, S.C.
2901 W. Beltline Hwy., Suite 301
Madison, WI 53719
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ereyes@ks-lawfirm.com

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to issue an order granting the Motion to Withdraw, or if you want the court to consider your views on the Motion to Withdraw, then within **fourteen (14) days** from the date of this Notice, you or your attorney must:

File with the Court a written objection and request for hearing, explaining your objection to the Motion to Withdraw at:

United States Bankruptcy Court
U.S. Federal Courthouse – Milwaukee
517 East Wisconsin Avenue, Room 126
Milwaukee, WI 53202

If you mail your objection to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

KREKELER STROTHER, S.C.
Eliza M. Reyes
2901 W. Beltline Hwy Suite 301
Madison, WI 53713

Scott Lieske, Chapter 13 Trustee
Office of the Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203

and

Office of the United States Trustee
Eastern District of Wisconsin
517 East Wisconsin Avenue, Suite 430
Milwaukee, WI 53202

If you or your attorney does not take these steps, the Court may decide that you do not oppose the Motion to Withdraw, and may enter an Order granting the relief requested in the Motion to Withdraw.

Dated: August 18th, 2017.

Krekeler Strother, S.C.

By: 
Eliza M. Reyes, State Bar No. 1030764

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In Re:

TIMOTHY H. GENS,

Case No. 17-27144-13-beh

Debtor.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
)
) ss.
COUNTY OF DANE)

The undersigned, being first duly sworn on oath, deposes and says that on August 18, 2017, the undersigned electronically efiled and served via ECF a copy of Krekeler Strother, S.C.'s Notice and Motion for Withdrawal as Attorneys of Record for Timothy H. Gens, and Affidavit of Eliza M. Reyes in Support of Krekeler Strother, S.C.'s Motion for Withdrawal as Attorneys of Record for Timothy H. Gens:

United States Bankruptcy Court
Eastern District of Wisconsin
517 E. Wisconsin Ave.
Milwaukee, WI 53202

Office of the U.S. Trustee
Eastern District of Wisconsin
517 E. Wisconsin Ave. #430
Milwaukee, WI 53202

Claire Ann Resop
Steinhilber Swanson LLP
122 West Washington Avenue
Suite 850
Madison, WI 53703

Doris Kaelin, Trustee
P.O. Box 1582
Santa Cruz, CA 95061

The undersigned, being first duly sworn on oath, deposes and says that on August 18, 2017, the undersigned emailed, and properly enclosed in a postpaid envelope, a copy of Krekeler Strother, S.C.'s Notice and Motion for Withdrawal as Attorneys of Record for Timothy H. Gens, and Affidavit of Eliza M. Reyes in Support of Krekeler Strother, S.C.'s Motion for Withdrawal as Attorneys of Record for Timothy H. Gens to all on attached list and to:

Drafted by:
Attorney Eliza M. Reyes
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Tel: 608-258-8555/Fax: 608-258-8299
ereyes@ks-lawfirm.com

Timothy H. Gens
N 2403 Cisco
Lake Geneva, WI 53147
Via Email

By: 
Heather R. Schank

Subscribed and sworn to before me
On August 18, 2017.

by:
Cheryl Watson,
Notary Public, State of Wisconsin
My Commission expires: 08/15/21

Colonial Savings
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